IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SAMUEL RANDOLPH, :

:

Petitioner : **No.** 1:06-CV-0901

v. : (Judge Conner)

JEFFREY BEARD, Commissioner, :

Pennsylvania Department of :

Corrections; LOUIS B. FOLINO, :

Superintendent of the State :

Correctional Institution at Greene; : THIS IS A CAPITAL CASE

and FRANKLIN J. TENNIS,
Superintendent of the State

Correctional Institution at Rockview, :

Respondents

ORDER

AND NOW, this 16th day of March, 2010, upon consideration of petitioner's motion for an order directing the Pennsylvania Department of Corrections to provide petitioner's counsel with proper and adequate access to counsel or, in the alternative, move petitioner to an institution where such access can be provided (Doc. 22), and in light of petitioner's recent transfer on January 26, 2010 to the State Correctional Institution in Graterford, Pennsylvania ("SCI-Graterford"), and counsel's recent visit to petitioner at SCI-Graterford on January 28, 2010, and in light of similar matters pending before the Court of Common Pleas of Dauphin County, Pennsylvania regarding counsel's access to petitioner, ¹ IT IS HEREBY

¹ The criminal docket on Pennsylvania's Unified Judicial System web portal for petitioner's case before the Court of Common Pleas of Dauphin County, Commonwealth v. Randolph, CP-22-CR-0001746-2002, indicates that on January 25, 2010, petitioner filed in that court a motion for an order directing the Pennsylvania Department of Corrections to provide petitioner's counsel with proper and adequate access to counsel or, in the alternative, move petitioner to an institution

ORDERED THAT the motion (Doc. 22) is DENIED without prejudice to petitioner's right to reassert his claims and concerns regarding access to counsel at the conclusion of proceedings in the Court of Common Pleas of Dauphin County.

FURTHER, in light of disposition of the aforementioned motion (Doc. 22), IT IS HEREBY ORDERED THAT respondents' motion to stay disposition of petitioner's motion for an order directing the Pennsylvania Department of Corrections to provide him with adequate access to counsel pending disposition of petitioner's similar motion in the Court of Common Pleas of Dauphin County, Pennsylvania (Doc. 25) is DISMISSED as moot.

s/Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge

Dated: March 16, 2010.

where such access can be provided. On February 2, 2010, the Dauphin County court directed the Department of Corrections to file a response to that motion, which it did on February 12, 2010. Further, on March 10, 2010, petitioner filed a response to the Dauphin County court's inquiry concerning provision of confidential attorney-client visits. These filings demonstrate that the Dauphin County court is already addressing counsel's concerns with respect to access to petitioner for purposes of confidential attorney-client visits.